

LEGAL NOTICE
Notice of Proposed Rulemaking
Public Hearing

Notice is hereby given of proposed rulemaking and public hearing by the Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division (HIOSH), to Parts 2, 3, 5, and 8 of Title 12, Subtitle 8, Hawaii Administrative Rules (HAR), pursuant to the Hawaii Occupational Safety and Health Law, Section 396-4, Hawaii Revised Statutes (HRS), and the Hawaii Administrative Procedure Act, Chapter 91, HRS.

The purpose of these rules is to promulgate safety and health standards that meet or exceed Federal Occupational Safety and Health Administration standards in providing safe and healthful work places for Hawaii's workers.

The public hearing will consider the amendments to the General Industry Standard, Chapters 12-50, General Provisions and Definitions; 12-62.1, Medical and First Aid; 12-67.2, General Environmental Controls; 12-73.1, Materials Handling and Storage; 12-74.1, Hazardous Materials; 12-77.1, Logging and Wood Processing; 12-78.2, Welding, Cutting and Brazing; 12-79.1, Hand and Portable Powered Tools and Other Hand-Held Equipment; and 12-92.1, Telecommunications; Construction Standards, 12-145.1, Asbestos; 12-146, 4,4-Methylenedianiline; 12-147, Cadmium; and 12-148.1, Lead; Occupational Safety and Health Standards for Shipyard Employment, Chapter 12-170, and Health Standards, Chapters 12-202, Toxic Materials and Harmful Physical Agents; and 12-206 Asbestos.

The proposed amendments to all of the chapters listed above are as a result of the Occupational Safety and Health Administration (OSHA) Standards Improvement Project-Phase II. Phase I of the project was completed in 1998, where OSHA was to remove and revise provisions of the standards that were outdated, duplicative, unnecessary, or inconsistent. The current amendments are Phase II of the project to eliminate confusing, outdated, and duplicative standards and regulations.

The proposed changes include:

1. Section 12-50-9, Incorporation of federal standard, chapters 67.2, General Environmental Controls, 12-74.1, Hazardous Materials, 12-77.1, Logging and Wood Processing, 12-78.2, Welding, Cutting and Brazing, 12-79.1, Hand and Portable Powered Tools and Other Hand-Held Equipment, are all being amended to reflect the deletion of three references to national consensus standards and two references to industry standards that are outdated.
2. Chapter 12-62.1, Medical and First Aid, Appendix A to this standard, is being amended to update an American National Standard (ANSI) reference to a more current issue, ANSI Z308.1-1998, Minimum Requirements for Workplace First-aid Kits.

3. Chapter 12-67.2, General and Environmental Controls, is being amended to update methods of contacting the division for reporting a communicable disease to include electronic means or any method that is equally fast.
4. Chapter 12-73.1, Materials Handling and Storage, is being amended to delete 3 paragraphs that were listed but did not have a subsection heading.
5. Chapter 12-92.1, Telecommunications, is being amended to allow the employer to provide first aid supplies without having to get medical recommendation from a physician.
6. Chapter 12-145.1, Asbestos, is being amended to require the employer to notify the employee of monitoring results no later than 5 working days instead of as soon as possible after the receipt of the results.
7. Chapter 12-146, 4,4-Methylenedianiline, is being amended to require the employer to notify the employee of monitoring results as soon as possible but no later than 5 working days after receipt of the results instead of the 15 days currently allowed.
8. Chapter 12-147, Cadmium, is being amended to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results and to require the employer to give such notice not only within 5 working days after receiving the results but as soon as possible.
9. Chapter 12-148.1, Lead, is being amended to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results and to require the employer to give such notice not only within 5 working days after receiving the results but as soon as possible.
10. Chapter 12-170, Occupational Safety and Health Standards for Shipyard Employment, is being amended to require the employer to notify the employee of monitoring results no later than 5 working days of the receipt of the results instead of as soon as possible after the receipt of the results.
11. Chapter 12-202, Toxic Materials and Harmful Physical Agents, contains different standards for many different substances. The amendments for the different substances are as follows:
 - a. Section 12-202-14.1, 13 Carcinogens (4-Nitrobiphenyl, etc), is being amended by removing and reserving paragraph (f) on the reporting of operations involving the presence of carcinogens and incidents involving the release of carcinogens.
 - b. Section 12-202-28.1, Vinyl Chloride, is being amended by requiring the employer to notify the employees of monitoring results within 15 days of the

receipt of the monitoring results, to allow the employer the option of notifying employees of the monitoring results either in writing individually or by posting the monitoring results, to require that a program for monitoring and measuring be repeated at least quarterly for any employee exposed in excess of the permissible exposure limit and every 6 months for exposures at or above the action level, to require annual exams for employees exposed to vinyl chloride above the action level, and to require that any plans required by the standard be updated at least annually. The standard will also allow the use of an accredited laboratory for the analyses of biological specimens included in a medical examination.

- c. Section 12-202-29.1, 1,2-Dibromo-3-Chloropropane, is being amended by requiring the employer to notify the employees of monitoring results within 15 days of the receipt of the monitoring results, to allow the employer the option of notifying employees of the monitoring results either in writing individually or by posting the monitoring results, to allow the employer to extend the length of time between monitoring depending on the circumstances from quarterly to six months and from monthly to quarterly, and to require that any plans required by the standard be revised at least annually.
- d. Section 12-202-30.1, Acrylonitrile, is being amended by requiring the employer to notify the employees of monitoring results within 15 days of the receipt of the monitoring results, to allow the employer the option of notifying employees of the monitoring results either in writing individually or by posting the monitoring results, to allow the employer to extend the length of time between monitoring depending on the circumstances from quarterly to six months and from monthly to quarterly and to require that any plans required by the standard be revised and updated at least annually.
- e. Section 12-202-31.1, Inorganic arsenic, is being amended to require the employer to notify the employees of monitoring results within 15 days of the receipt of the monitoring results, to allow the employer the option of notifying employees of the monitoring results either in writing individually or by posting the monitoring results, to require that any plans required by the standard be revised and updated at least annually, and to change the x-ray requirement from 14" x 17" to standard.
- f. Section 12-202-32.1, Cotton dust, is being amended to require the employer to notify employees of monitoring results within 15 days of the receipt of monitoring results and to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results.
- g. Section 12-202-33.1, Lead, is being amended to allow the employer 15 days after the receipt of monitoring results to notify the employees of the results, to allow the employer the options of notifying employees of the monitoring

results either in writing individually or by posting the monitoring results, and requiring written programs to be revised and updated at least annually.

- h. Standard 12-202-35.1, Ethylene oxide, is being amended to standardize the language within the standard to be identical with the other toxic and hazardous substances standards.
 - i. Section 12-202-36.1, Benzene, is being amended to standardize the language within the standard to be identical with the other toxic and hazardous substances standards.
 - j. Section 12-202-37.1, Formaldehyde, is being amended to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results. It also removes the written plan requirement previously included under the employee notification provision.
 - k. Section 12-202-39, Cadmium, is being amended to allow the employer the options of notifying employees of the monitoring results either in writing individually or by posting the monitoring results.
 - l. Section 12-202-40, 1,3-Butadiene, is being amended to allow the employer 15 days after the receipt of monitoring results to notify the employees of the results.
12. Chapter 12-206, Asbestos, is being amended to standardize the language within the standard to be identical with the other toxic and hazardous substances standards.

A copy of the proposed rule changes will be made available for public viewing from the first working day that the legal notice appears in the Honolulu Star Bulletin, The Honolulu Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island, through the day the public hearing is held, from Monday - Friday between the hours of 1:00 p.m. - 4:00 p.m., at the following locations: 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813; 2264 Aupuni Street, Wailuku, Hawaii 96793; 75 Aupuni Street, Hilo, Hawaii 96720; and 3060 Eiwa Street, Lihue, Hawaii 96766. A copy of the proposed rules may be viewed at our website at <http://hawaii.gov/labor>, or obtained by submitting a request with a prepaid fee of \$1.00 for the copy and .87¢ postage to 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813 or by calling (808) 586-9086.

Interested persons may present, at the public hearing, any written or oral data, views, arguments, comments, and objections concerning the proposals at:

HONOLULU, OAHU

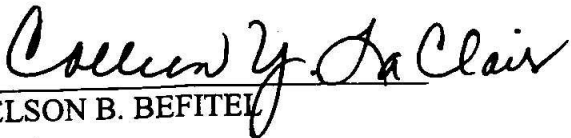
March 9, 2006; 1:00 p.m.
Keelikolani Building
830 Punchbowl Street
Room 427
Honolulu, Hawaii 96813

The public hearing will be continued, if necessary, to a time, date, and place announced at the scheduled hearing.

Interested persons unable to attend the public hearing, may submit written data, views, arguments, comments, and objections concerning the proposals to the Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 425, Honolulu, Hawaii 96813. All submissions for the record must be received at or prior to the scheduled public hearing.

Auxiliary aids and services are available upon request by calling the Administration and Technical Support Branch at (808) 586-9086 (voice), (808) 586-8847 (TTY), or 1-888-569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodations.

Dated: February 2, 2006


NELSON B. BEFITELE

 Director

Department of Labor and
Industrial Relations